

Board of Chiropractic Examiners

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**BOARD OF CHIROPRACTIC EXAMINERS
PUBLIC SESSION MINUTES**

March 18, 2010
Hilton Glendale
100 W. Glenoaks Blvd.
Glendale, CA 91202

Board Members Present

Frederick Lerner, D.C., Chair
Hugh Lubkin, D.C., Vice Chair
Francesco Columbu, D.C., Secretary
Jeffrey Steinhardt, D.C.
Richard Tyler, D.C.

Staff Present

Robert Puleo, Interim Executive Officer
LaVonne Powell, Senior Staff Counsel
Linda Shaw, Staff Services Manager
Dixie Van Allen, Associate Governmental Program Analyst
Lavella Matthews, Associate Governmental Program Analyst
Valerie James, Office Technician
Janitzia Downey, Special Investigator
Lilia Jones, Special Investigator
Maria Martinez, Special Investigator
Denise Robertson, Special Investigator

Call to Order

Dr. Lerner called the meeting to order at 10:00 a.m.

Roll Call

Dr. Columbu called the roll. All members were present.

Chair's Report

Dr. Lerner gave the Chair's Report.

Swearing in Re-Appointed Board Members

Dr. Lerner administered the Oath of Office to the two board members who were re-appointed by Governor Schwarzenegger; Dr. Hugh Lubkin, DC and Dr. Francesco Columbu DC.

Approval of Minutes

October 22, 2009, November 19, 2009, January 21, 2010, and February 18, 2010 Board Meetings.

MOTION: DR. LERNER MOVED TO APPROVE ALL THE MINUTES AS THEY ARE

SECOND: DR. TYLER SECONDED THE MOTION

VOTE: 5-0

MOTION CARRIED

Discussion

None

Public Comment

None

Board Member training on the Bagley-Keene Open Meetings Act and other relevant laws

Ms. Powell stated there is nothing new to bring forward and no issues reported; this board is doing a great job following the Open Meeting Act.

Dr. Lubkin thanked and commended Ms. Powell for her guidance.

Interim Executive Officer's Report

Mr. Puleo gave the Interim Executive Officer's Report. The topics were Administration, Budget, Licensing, and Enforcement.

Dr. Lerner asked about an article he read regarding overtime negating furloughs and if there was any relevance to this board.

Mr. Puleo responded this issue was not a concern for our board staff.

Dr. Lubkin complemented the 317 breakdown chart and asked if the timeframes are being met on the enforcement cases.

Mr. Puleo responded that the cases are currently meeting the timeframes.

Ratification of Approved License Applications

MOTION: DR. LUBKIN MOVED TO RATIFY THE APPROVED LICENSE APPLICATIONS

SECOND: DR. COLUMBU SECONDED THE MOTION

VOTE: 5-0

MOTION CARRIED

The Board ratified the attached list of approved license applications incorporated herein (Attachment A).

Discussion

None

Ratification of Approved Continuing Education Providers

MOTION: DR. STEINHARDT MOVED TO RATIFY THE APPROVED CONTINUING EDUCATION PROVIDERS

SECOND: DR. TYLER SECONDED THE MOTION

VOTE: 5-0

MOTION CARRIED

The Board ratified the attached list of approved continuing education providers incorporated herein (Attachment B).

Discussion

None

Ratification of Denied License Applications in Which the Applicants Did Not Request a Hearing

None

Recommendation to Waive Two Year Requirement to Restore a Cancelled License

MOTION: DR. LUBKIN MOVED TO RATIFY THE RECOMMENDATION TO WAIVE TWO YEAR REQUIREMENT TO RESTORE A CANCELLED LICENSE

SECOND: DR. TYLER SECONDED THE MOTION

VOTE: 5-0

MOTION CARRIED

The Board ratified the attached list of applications in which the applicants request to waive the two year requirement to restore a cancelled license incorporated herein (Attachment C).

Discussion

None

Enforcement Committee Meeting Update

Dr. Lubkin provided an update from the Enforcement Committee.

Dr. Lerner, Mr. Puleo, and Ms. Powell had a discussion regarding SB 1111. This board is currently not part of this bill. There is a list of recommendations created by the committee to possibly put this board in the bill with the recommendations; or it may be better for us to create our own bill.

Ms. Powell suggested we ask for a leg counsel opinion regarding if there is a conflict with our Act and some of the provisions. In addition we still need to look at the 800 series.

The Board, Ms. Powell, and Mr. Puleo went through the list of recommendations and responses from the committee making modifications to possibly become a part of SB 1111. Dr. Lerner reminded the board members that this is the bill that Mr. Luis Portillo from the Department of Consumer Affairs discussed at the February 18th Board Meeting.

MOTION: DR. LERNER MOVED TO ADOPT THE LIST OF RECOMMENDATIONS AS DISCUSSED

SECOND: DR. COLUMBU SECONDED THE MOTION

VOTE: 5-0

MOTION CARRIED

Public Comment

Dr. Charles Davis, DC provided public comment stating the language needs to be so clear, that it could not be misunderstood.

Public Relations Committee Meeting Update

Dr. Lerner provided an update from the Public Relations Committee discussing the board seal, developing a brochure regarding how to choose a chiropractor, and public outreach.

MOTION: DR. COLUMBU MOVED TO ADOPT THE SEAL LABELED "A"

SECOND: DR. LUBKIN SECONDED THE MOTION

VOTE: 4-1

MOTION CARRIED

Discussion

The board members discussed the two options for the board seal.

MOTION: DR. LERNER MOVED TO ADOPT THE AMBASSADOR PROGRAM AND FORM

SECOND: DR. LUBKIN SECONDED THE MOTION

VOTE: 5-0

MOTION CARRIED

Scope of Practice Committee Meeting Update

Dr. Lubkin provided an update from the Scope of Practice Committee.

Search for Executive Officer

Dr. Lerner tabled this item as there is currently nothing new to discuss.

Proposed Regulations

A. Manipulation under Anesthesia

Dr. Lerner provided an update stating that the regulation passed through OAL and has been filed with The Secretary of State and becomes effective today.

B. Continuing Education

Mr. Puleo provided an update stating it's in our best interest to withdraw the current package, clean it up and make some technical changes, then re-introduce the new package for a new 45 day comment period.

MOTION: DR. LERNER MOVED TO WITHDRAW THE CURRENT PACKAGE, MAKE SOME TECHNICAL CHANGES, THEN REINTRODUCE A CLEAN PACKAGE WITH THE SAME REGULATORY LANGUAGE WE LEFT OFF WITH

SECOND: DR. LUBKIN SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED

C. Recognition of Chiropractic Specialties

Dr. Lerner provided an update stating the regulation was approved through OAL last Tuesday.

D. Fingerprint Submissions

Ms. Van Allen provided an update.

E. California Code of Regulations Section 314 (Law Violators)

Mr. Puleo provided an update.

MOTION: DR. LUBKIN MOVED TO ADOPT THE FINAL LANGUAGE FOR SECTION 314
SECOND: DR. COLUMBU SECONDED THE MOTION
VOTE: 5-0
MOTION CARRIED

Public Comment

Dr. McAllister asked for clarification on the time line for re-notice of the CE regulation.

Mr. Puleo stated it should be noticed early to mid April.

Future Agenda Items

Dr. Lubkin would like more information on three new health related bills that were discussed in the governor's press conference last week.

Mr. Puleo suggested having a legislative committee meeting prior to bringing it to the full board meeting.

Hearings re: Petition for Reinstatement of Revoked License

Administrative Law Judge Susan Formaker presided over and Deputy Attorney General Tom Rinaldi appeared on behalf of the people of the State of California on the following hearings.

- Jon Postajian
- Jeffrey D. Bryant
- Richard A. Cipolone
- Amir Gharrirassi

Closed Session

Following oral testimonies, the Board went into closed session for deliberation and determinations of Petitioners.

Adjournment

Dr. Lerner adjourned the public meeting at 4:30 p.m.

Attachment A

Approval By Ratification of Formerly Approved License Applications January 1, 2010 – February 28, 2010

Name (First, Middle, Last)			Date Issued	DC#
Robin	Kaur	Randhawa	1/7/2010	31493
Hung	Huy	Le	1/14/2010	31494
Paul	Edward	Fuhrman	1/14/2010	31495
Brian	Ray	Hesser	1/14/2010	31496
Dustin	Patrick	DeRyke	1/14/2010	31497
Marresa	December	Jones	1/14/2010	31498
Matthew	Thomas	Leonard	1/14/2010	31499
Joseph	Michael	Kwait	1/14/2010	31500
Yasmeen	Amina	Khan	1/14/2010	31501
Peter		Chiang	1/14/2010	31502
Giuseppe		Moro	1/14/2010	31503
Christopher	John	Bernier	1/21/2010	31504
Wayne	Anthony	Cissell	1/21/2010	31505
Charles	Jay	Davidson	1/21/2010	31506
Leyla		Mehdizadegan	1/21/2010	31507
John	Spencer	Beall	1/21/2010	31508
Aaron	Justin	Vanderhoof	1/29/2010	31509
Melissa	Louise	Ponce	1/29/2010	31510
Travis	Wilson	Ryan	1/29/2010	31511
Bingzeng		Zou	1/29/2010	31512
Negar		Navid	2/10/2010	31513
Vi	Hoang	Nguyen	2/10/2010	31514
Ameneh		Raeisghasem	2/10/2010	31515
Jeffrey	Allan	Rockwell	2/10/2010	31516
Tawfik	Yahia Algafery	Saleh	2/10/2010	31517
Amando	Capati	Santos, Jr	2/10/2010	31518
Kristin	Nicole	Shay	2/10/2010	31519
Anthony	Scott	Smith	2/10/2010	31520
Yalda		Soha	2/10/2010	31521
Brian	H	Truong	2/10/2010	31522
Suzanne	Mae	Vlcek	2/10/2010	31523
Daniel	Jay	Wasserman	2/10/2010	31524

Jeffrey	Earl	Williams	2/10/2010	31525
Stephen	Robert	Besser	2/16/2010	31526
Dustin	John	Bouwhuis	2/16/2010	31527
David	Randolph	Catron	2/16/2010	31528
Angela	Renee	Duval	2/16/2010	31529
Jenny	Lynn	Enstrom	2/16/2010	31530
Mallory	Matteson	Feinberg	2/16/2010	31531
Eden	Joseph	Goldman	2/16/2010	31532
Craig	Romulo	Gonzales	2/16/2010	31533
Travis	Jon	Johnson	2/16/2010	31534
James	Edward	Lander	2/16/2010	31535
Raquelle	Marie Cardoso	Martins	2/16/2010	31536
Sara		Mehdizadegan	2/16/2010	31537
Tara	Marie	Nikolic	2/16/2010	31538
Sun Ho		Roh	2/16/2010	31539
Andrea	Calhoun	Shakarian	2/16/2010	31540
Daniel	Warren	Turner	2/16/2010	31541
William	Matthew	Ursprung	2/16/2010	31542
April	Joy	Walker	2/18/2010	31543
Pao	Vang	Vu	2/18/2010	31544
Frank	Joseph	Zermeno	2/18/2010	31545
Jamie	Lynn	Bjerkhoel	2/26/2010	31546
Alison	Lynn	Bremner	2/26/2010	31547
John	Samuel	Caponio	2/26/2010	31548
Aimee	Miyoko	Duncan	2/26/2010	31549
Matthew	Nicholas	Egan	2/26/2010	31550
Kathryn	Jo	Fox	2/26/2010	31551
Justin	James	Grasmeyer	2/26/2010	31552
Jessica	Emily	Green	2/26/2010	31553
Katie	Diane	Henery	2/26/2010	31554
Lauren	Elizabeth	Hunter	2/26/2010	31555
Rondi	Bernice	Johnson	2/26/2010	31556
Sally	Elisabeth	Kleinbart	2/26/2010	31557
Shahen		Kurestian	2/26/2010	31558
Kimberly	Ann	Liotta	2/26/2010	31559
Shereen	Rose	Manesh	2/26/2010	31560
Roger	Christopher	McGath	2/26/2010	31561
Jeffrey	Scott	Millan	2/26/2010	31562
Sumiko	Sekiguchi	Missimer	2/26/2010	31563
Linda	M	Nam	2/26/2010	31564
Jesse	Alan	Shakarian	2/26/2010	31565

Kevin	Yong	Shin	2/26/2010	31566
Kelley	Jo	Watford	2/26/2010	31567
James	Jean	Yi	2/26/2010	31568
Jeremy	Scott	Summers	2/26/2010	31569

Attachment B

Ratification of Formerly Approved Continuing Education Providers

Name (First, Middle, Last)

Date Approved

▪ **Alvarado Hospital**

02/23/2010

Attachment C

Recommendation to Waive Two Year Requirement
on Restoration of a Cancelled License

Name (Last, First MI)	License No.	Cancellation Date
Ausmus, Donna	18503	11/30/2009
Kim, Sherri	23863	02/28/2009